REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3-9 and 11-14 are pending in this application. Claims 1, 7-9, 13 and 14 are independent. No new matter has been introduced by this amendment. Claims 2 and 10 have been canceled without prejudice or disclaimer of subject matter.

A substitute Specification has been supplied, thereby obviating the objection to the Drawings. A "mark-up" copy of the substitute Specification is attached (document no. 402152) and a "clean copy" of the substitute specification is attached (document no. 402159).

II. REJECTIONS UNDER 35 U.S.C. §112

Applicants respectfully traverse the 35 U.S.C. §112, sixth paragraph rejection. Applicants submit that the recitation of claim 1, "<u>first acquiring means for acquiring</u> edit point information describing an edit point set for said data" provides a clear means plus function step within the bounds of an apparatus. Appropriate withdrawal and reconsideration is requested.

III. REJECTIONS UNDER 35 U.S.C. §101

Applicants respectfully traverse the rejections of claims 1-6, 9, 11 and 12 under 35 U.S.C. §101. Applicants submit that claims 1-6, 9, 11 and 12 refer are apparatus claims and therefore comply with the statutory subject matter requirement. Appropriate withdrawal and reconsideration is requested.

IV.   REJECTIONS UNDER 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Claims 9 and 11-14 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 0855714 A2 to Yasuda et al. (hereinafter, merely "Yasuda").

Claims 1 and 3-8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yasuda in view of WO 99/48096 to Kelly et al. (hereinafter, merely "Kelly").

V.   RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"An information creating apparatus for creating information to be provided to a reproducing apparatus for reproducing data, said information creating apparatus comprising:

...determining means for determining whether it is possible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and

relocating means for relocating data in proximity of said edit point if said determining means determines that it is impossible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and

wherein said creating means creates said reproduction control information including information for indicating said data relocated by said relocating means as a reproduction object, and

wherein said relocating means determines the location at which to create data in proximity of the edit point in accordance with the result of the determining means." (emphasis added)

As understood by Applicants, Yasuda relates to a digital signal editing apparatus and method where a plurality of coded data are read out from a storage medium allowing random access, and read-out coded data are decoded so as to be continuous temporally and made into an edited decoding data string.

As understood by Applicants, Kelly relates to recording, reproduction and/or editing of real time information on or from a disc like record carrier for enabling simultaneous reading and writing of real time information.

It is respectfully submitted that the applied combination of Yasuda and Kelly does not provide the disclosure of claim 1. Specifically, page 8 of the Office Action states, "Yasuda fails to disclose determining means for determining... and relocating means for relocating...". Applicants respectfully traverse the contention that Kelly provides the subject matter missing from Yasuda.

Pages 8-9 of the Office Action cite page 1, lines 1-5 and lines 15-35 of Kelly, which states, "[t]his stream satisfies a HFFF condition implying that at least every second fragment is fully filled...both the last fragment before the bridge and the first fragment after the bridge must be full since it is assumed that the original streams satisfy the FFHF condition...tried to preserve the FFHF condition by reallocating the fragment before the bridge, the bridge fragment and the fragment after the bridge...".

Applicants submit that Yasuda and Kelly, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an information creating apparatus for creating information to be provided to a reproducing apparatus for reproducing data, said information creating apparatus comprising determining means for determining whether it is possible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and relocating means for relocating data in proximity of said edit point if said determining means determines that it is impossible for said reproducing apparatus to reproduce in real time said data resulting from said editing process; and wherein said creating means creates said reproduction control information including information for indicating said data relocated by said relocating means as a

<u>reproduction object, and wherein said relocating means determines the location at which to create data in proximity of the edit point in accordance with the result of the determining means,</u> as recited in claim 1.

Indeed, Applicants submit that reallocating the fragment before the bridge, the bridge fragment and the fragment after the bridge, as disclosed in Kelly, is completely different and provides no disclosure of **<u>relocating means for relocating data in proximity of said edit point if said determining means determines that it is impossible for said reproducing apparatus to reproduce in real time said data resulting from said editing process wherein said relocating means determines the location at which to create data in proximity of the edit point in accordance with the result of the determining means</u>**.

Furthermore, Applicants submit that Yasuda does not disclose the **selecting from several blank areas as disclosed in figure 3B of the present invention where the bridge clip (GOP (m+2), GOP(o) and GOP (n)) is not relocated into the blank area #2, but the blank area #1.**

None of the other references mentioned in the Office Action provide the aforementioned disclosure of claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 7 and 8 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 7 and 8 are patentable.

Claim 9 recites, *inter alia*:

"A reproducing apparatus comprising:

...<u>determining means and selecting means for use when said
reproduction control information includes information for
indicating as a reproduction object data, which are relocated by an
information creating apparatus for creating said reproduction
control information and which are in proximity of said edit point,</u>

<u>wherein said determining means determines a location at
which to start reproducing said data in accordance with said
reproduction control information,</u>

<u>wherein said selecting means selects a decoder for
reproducing said data,</u>

<u>wherein said reproducing means reproduces said data based
on said reproduction control information, on the starting location
determined by said determining means, and on said decoder
selected by said selecting means, and</u>

<u>wherein the selecting means selects a decoder from a plurality of
decoders in accordance with the reproduction control information
which includes designation information.</u>" (emphasis added)

Applicants submit that Yasuda and Kelly, taken alone or in combination, fail to

teach or suggest the features of claim 9. Specifically, Applicants submit that there is no teaching

or suggestion of reproducing apparatus comprising: <u>determining means and selecting means for</u>

<u>use when said reproduction control information includes information for indicating as a</u>

<u>reproduction object data, which are relocated by an information creating apparatus for creating</u>

<u>said reproduction control information and which are in proximity of said edit point, wherein said</u>

<u>determining means determines a location at which to start reproducing said data in accordance</u>

<u>with said reproduction control information, wherein said selecting means selects a decoder for</u>

<u>reproducing said data, wherein said reproducing means reproduces said data based on said</u>

<u>reproduction control information, on the starting location determined by said determining means,</u>

<u>and on said decoder selected by said selecting means, and wherein the selecting means selects a</u>

decoder from a plurality of decoders in accordance with the reproduction control information which includes designation information, as recited in claim 9.

Indeed, Applicants submit that Yasuda does not select a decoder based on any kinds of control information, as disclosed in the present invention in Figures 26 and **31 where a decoder is selected from a plurality of decoders in accordance with the reproduction control information which includes designation information such as the description [decoder = "0"] (Fig. 26) and the preDecBegin attribute (Fig. 31).**

None of the other references mentioned in the Office Action provide the aforementioned disclosure of claim 9.

Therefore, Applicants submit that independent claim 9 is patentable.

For reasons similar to those described above with regard to independent claim 9, independent claims 13 and 14 are also believed to be patentable.

Therefore, Applicants submit that independent claims 9, 13 and 14 are patentable.

VI. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.
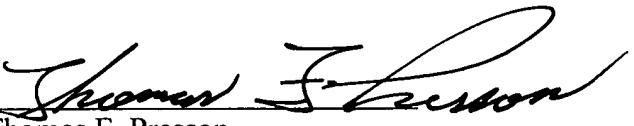
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

Respectfully submitted,

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